

CONSERVATION COMMISSION

SPECIAL MEETING JUNE 5, 2012

CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:03 p.m. and noted Commissioners Clark, Igielski, Shapiro and Zelek were present. Also present was Alternate Paskewich and Town Engineer Chris Greenlaw.

NOTE: Chairman Block designated that Alternate Paskewich would vote for Commissioner Andreas.

ITEM III

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Rose Lyons, 46 Elton Drive noted that she is here tonight to make her annual appeal to clean up Mill Brook, especially in the areas of Wells Drive North and the vicinity of her home. It is her opinion that the Town of Newington owns these properties.

Mr. Roy Zartarian, 25 Stewart Street commended the Commission on the May 1st workshop conducted by Ms. (Donna) Ellis (on invasive plants). Similar programs should be presented in the future. He made reference to an article in the April 11th issue of the New York Times on "Why Trees Matter" (listen to audio tape for his remarks).

ITEM IV

Newington Walk (Russell Road north of Old Highway), Pre-Application Agenda

Commissioner Igielski noted for the record that anything discussed tonight is not binding on either party; should a formal application be submitted to the Commission at a future date.

Attorney Tom Regan representing the applicant Toll Brothers, who has development rights to the property, entered the following remarks into the record:

- A. The plan being presented tonight is the result of incorporating many of the conditions contained in the Town Planning & Zoning Commission subdivision approval for the subject parcel of land.

- B. This plan would reduce the size of the project from 62 lots to 48 lots and reduced wetland impacts.
- C. Under this plan, no activity would occur in the wetland or upland review area.
- D. This plan would create three (3) plus more acres of open space land for a total of 50 plus acres.

Mr. Ray Gradwell, Senior Project Engineer for the project, entered the following remarks into the record:

- A. He located the property in reference to existing land marks (listen to audio for details).
- B. The new plan calls for a residential subdivision of 48 lots versus a subdivision of 62 lots for which a permit was denied by this Commission.
- C. All activities would be done outside of regulated areas (wetlands and upland review areas).
- D. The trap rock ridge line (west side of property) and vernal pool would be preserved) and 49 plus acres of open space land would be preserved.
- E. The main access road (from Russell Road) into the property has been relocated to reduce impacts.
- F. The four (4) proposed retention ponds would be seeded per the recommendation of the CERT Report.
- G. Hydrodynamic separators would be installed on the outlet line of each storm water system out letting into a detention basin.
- H. All catch basins would have a sump with a minimum depth of four (4) feet.
- I. The out flow from two (2) detention ponds would flow into a level spreader to dissipate the flow in a natural manner over the ground.

Dr. Donald Abrams, Phd, Dru Associates entered the following remarks into the record:

- A. The wild life study which was part of the past plan would be reviewed and it was noted that all activity would be outside of regulated areas; resulting in no impacts to regulated areas.
- B. Referring to the new plan, he noted several proposed rear yard drainage systems located along the rear property line of lots abutting an adjacent regulated area and/or the major open space area. Each system can either be all natural where run off is

captured and returned back into the ground; a closed underground pipe system that would pick surface run off and carry it to a catch basin or a combination of the natural and closed conduit pipe system.

- C. The available open space land (left after development) is far more than needed to support the animal density in the area.
- D. An animal tunnel would be installed between the main wetland and small one (vernal pool area).
- E. We have been able to incorporate a number of the recommendations contained in the CERT Report into the plan. The end result would represent a further reduction in impacts.

Alternate Paskewich asked if any test borings were taken to determine the amount of blasting that would be required for the project? Mr. Gradwell responded that a study was done for the previous application and that there would be less blasting with this project because it is smaller in size.

Alternate Paskewich noted that this project is smaller in size and asked what would be the ratio of acreage related to this project to the previous project? Mr. Gradwell responded that the footprint for this project has been reduced by three (3) acres with a corresponding reduction in blasting. In addition all blasting would occur outside of the 100 foot upland review area.

Alternate Paskewich asked for the location of borings closest to the wetland? Mr. Gradwell responded that the information would be provided at a later date.

Chairman Block noted that as part of any future application, the Commission would want to know what would the effect of blasting on the possible draining of the wetland? Mr. Gradwell responded that the information would be part of any future application.

Chairman Block said that he would be interested in the amount of contouring resulting from the blasting operation.

Commissioner Igielski asked what alternative(s) is/are available to blasting? Mr. Gradwell responded hoe hammering which is a slow and noisy process. He noted that mass blasting is done once a day; whereas, hoe hammering would be a noisy and continuous operation. He also noted that rock excavation would be required for house foundations and utility trenches.

Commissioner Igielski asked if the homes could be built on a slab foundation instead of an excavated foundation? Mr. Greg Kamedulski, Toll Brothers, responded that the market in New England requires a full basement for the type of house being proposed.

Commissioner Igielski asked if the proposed grading plan (for the proposal under discussion tonight) could support a combination of basements in fill material and natural ground

material? Mr. Gradwell responded yes. He estimated that based on available information there would be a 50/50 split between basements in fill material and basements excavated in natural ground.

Chairman Block noted that no specifications have been presented for the animal tunnel under discussion tonight. In addition, he recommended that if it is feasible, a protected easement be created for the tunnel area.

Chairman Block noted that he wanted to commend the applicant on the continuity between the areas on the plan when compared to the previous application.

Alternate Paskewich asked that on a previous project of this type, did you crush rock on site that was used for fill, roadways, driveways and side walks? Mr. Gradwell responded yes.

Alternate Paskewich noted that although the previously noted activities are common practice; he had a concern of the potential disruption to wild life in the area from noise emanating from the blasting and crushing operations.

Alternate Paskewich asked how long would the mass blasting last? Mr. Gradwell responded three (3) to four (4) weeks. The crushing operation could last longer.

Chairman Block requested that any new application include a proposed time schedule for disruptive (mechanical and/or environmental) activities. Mr. Gradwell responded that it would be done.

Commissioner Igielski asked if the mass blasting would be done in one stage versus the stage approach that was proposed with for the previous application? Mr. Dan Rossi, Vice-President of Land Development for Toll Brothers, responded that it would be done in one stage.

Commissioner Igielski asked that if any additional excavation is needed following the mass blasting stage, would it be done by mechanical means? Mr. Gradwell responded yes.

Chairman Block asked if there was any ongoing field review of the site following (the denial of a permit for) the previous application and now because an ongoing study can expand on the snap shot in time (report submitted with previous application) to today and could provide a better understanding of the site? Dr. Abrams responded that he visited the site in the spring and will periodically revisit the site to become aware of the season to season changes that may have occurred.

Commissioner Clark noted that on page 29 of the CERT Report, it notes that a 750 foot buffer is recommended for vernal pools. The plan presented tonight only shows a 100 foot upland review buffer.

Dr. Abrams noted that he is fully aware of the recommendation and we will fully address the matter when we submit our report.

Dr. Abrams noted that he knows and has worked with the gentlemen who made the recommendation (750 foot buffer requirement). The bottom line of the recommendation is to make sure that adequate land is available for the species. We feel that the 49 acres of open space land will meet this requirement and will document it.

Commissioner Clark acknowledged that 49 acres of open space is available. However, the critical space (full 750 foot buffer) does not abut the wetland (vernal pool) and therefore is not available to wild life.

Dr. Abrams said that he would respond to the remark.

Commissioner Zelek asked if there would be any seepage from a storm water detention pond into the wetland as they exist today? Mr. Gradwell referring to the plan noted the flow pattern for each. He noted that where a basin would outlet into a wetland or vernal pool pre-development flows would be maintained (listen to audio tape for details of discussion of flow distribution for the vernal pool).

Commissioner Clark asked how would water quality be maintained from the introduction of sediments, oil from cars, fertilizers, herbicides etc.? Mr. Gradwell noted the Best Management Practices (BMP) measures would meet DEEP requirements to include catch basins with deep sumps and a hydraulic dynamic separator (that would be placed on the outlet pipe of each storm water system draining into a detention pond).

Dr. Abrams noted that a plan using natural measures (appropriate soils and vegetation) would be developed to provide a reduced discharge of pollutants (rear yard drainage systems) and would be part of any submittal.

Mr. Chris Greenlaw, Town Engineer, referring to a proposed storm water system on the plan in the vicinity of the main wetland asked if the system was going to be for a complete or partial pick up of run off? Dr. Abrams responded that he has some thoughts on how to handle the flow but would be looking for feed back from the Commission on what it would prefer to be done on the amount to be retained before any (design) work would be done (listen to audio tape for additional remarks).

Chairman Block noted that where natural measures would be used, he would like some feed back on the Commission's ability to incorporate a covenant and/or easement on the back of the property that would be binding on the property owner.

Mr. Kamedulski said that he would research the matter but does recall using similar restrictions on some other properties. The Town of Berlin project comes to mind.

Commissioner Clark asked if there was any other property where a wetland abutted the development area and the residents wanted the area treated for mosquito larvae? Mr. Kamedulski responded that he could not recall such a request being made by a property owner.

Commissioner Zelek noting that he did not want to sound harsh, but the prior application deforested the areas of development and left a buffer of trees around the area. Would you not be doing the same thing with this plan? Mr. Rossi said it would depend on the final grading plan.

Commissioner Zelek noted that per the CERT Report, 50 percent of the upland habitat would be impacted. Would it be possible to do something similar to Devenwood in Farmington where homes were placed among the trees and lawn areas were kept to a minimum?

Chairman Block noted that you could consider that aspect (Devenwood) and the potential savings resulting from working with the contour of the land.

A representative from Toll Brothers noted that the Town Plan & Zoning Commission has a minimum rear yard lawn requirement as well as other requirements.

Chairman Block noted that if there is an issue with another commission's requirement, let us know to see if a commission to commission discussion could work something out.

Commissioner Clark noted that more trees would be cut down increasing the flow of surface run off downstream.

Dr. Abrams noted that Mr. Gradwell's Firm has the calculations for storm water design and would be looking for some kind of a balanced design.

Chairman Block noted there is an existing crushing operation next store at the Balf Quarry. Why not consider this option? Mr. Rossi noted that the material would have to be loaded into 12 cubic yards capacity dump trucks which would haul the material to the quarry for crushing. The crushed material would be hauled back to the site. This could involve up to 30,000 cubic yards of material. It would make more sense to do the work on site.

Commissioner Zelek noted per the CERT Report, the Peregrine Falcon is nesting on Cedar Mountain that is considered to be a high value and a highly sensitive area. The Report recommends that no activity take place during the nesting season that runs from March to June. A condition of any approval would not allow any activity during this period of time. An in depth survey, in his opinion, should be done to determine the actual species on the mountain. DEEP in his opinion should be called in to do a survey.

Attorney Regan noted that DEEP regulates this activity.

Dr. Abrams noted that his staff would be looking at the species on the mountain and would give attention to the comment.

Commissioner Zelek asked why there is no home site between Lots 31 and 32? Mr. Gradwell responded because the area is not developable.

Commissioner Zelek noted that the CERT Report recommended the moving of home sites above the retention pond in the area of the central wetland.

Mr. Gradwell noted that all development has now been moved outside of the regulated areas.

Commissioner Clark asked what would the small wetland (vernal pool) look like (after development)? Mr. Gradwell responded that a tree line would be left in place along Russell Road. The fringe edges would be protected. It would be up to the Commission to leave the area open or seal it off.

Mr. Kamedulski noted that they have not gotten that far in the (design) process.

Chairman Block noted that he would like to see a restriction in the deed for properties abutting detention ponds, regulated areas (and open space areas) against dumping.

Commissioner Clark expressed a concern on what the area would look like in 20 years if home owners fail to do their part? Chairman Block responded on the sequence of events that would take place in the event of a violation (listen to audio for his total response).

Alternate Paskewich expressed his concern about the deforestation of the land.

Commissioner Zelek noted that in Section 1. of the Town Regulations reads “Such unregulated activity....has and will continue to have a significant, adverse impact on the environment....thus adversely affecting the ecological , scenic, historic and recreational values and benefits....now and forever”. He noted that the CERT Report strongly recommends that an archeological survey be done before any work is done on the site. He wants to make sure the applicant work with the appropriate State of Connecticut Agency to see that the study would be done .The Commission per State Statue 22-8-36 is granted the authority and responsibility to investigate and preserve the historic history of the property (listen to audio tape for the details of his remarks).

Chairman Block expressed a concern that the request being made may be outside the purview of the Commission.

Commissioner Zelek noted that the Commission should at least look into the matter.

Chairman Block noted that Mr. Greenlaw could inquire of DEEP as to our ability to inquire into this matter. At the same time the applicant could also use the time to look into the matter. The parties could maybe get together to review their findings before any application would be submitted.

Mr. Greenlaw noted that the access into the proposed open space is adequate from the south. There would be no access from the north. Would the applicant consider providing access from the northeast corner of the property and extending along the northerly property line? Mr. Kamedulski responded that he would look into the request.

Alternate Paskewick asked if the site has been reflagged? Attorney Regan responded the wetlands had been flagged, but not the lots.

Attorney Regan said the wetlands could be reflagged, but the pins would not last.

Commissioner Zelek noted that the Town could put the word out to the public to leave the flags alone.

Mr. Kamedulski noted that any blasting would have to be permitted the Town Fire Marshal. Every blast would be monitored by his Office.

Chairman Block noted the need to monitor safety and property damage during blasting operations. He also asked the applicant to look at the possible perched water table impact emanating from the blasting operation.

ITEM V

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Rose Lyons, 46 Elton Drive noted that there are three (3) large screen monitors available in the room that could have been used for tonight's presentation. The Commission is still using 40 minute tapes to record the meeting. She would like to be able to see the presentation map or be provided with a handout during the presentation. We are still operating in the dark ages.

Ms Holly Harlow, 11 Edmund Street noted that the hydrology report was not complete and per Section 7.6 of the Regulations the Commission can require additional information such as experts.

Mady Kenny, 53 Crestview Drive noted that the public should be able to see the presentation. This could be achieved through a power point presentation, the utilization of handouts or the use of the big screens in the room. She had no idea of what was on the plan being presented tonight.

Commissioner Zelek suggested that the Commission get some training on how to use the materials in the room.

Motion made by Commissioner Igielski to adjourn meeting at 8:18 p.m. and was seconded by Commissioner Clark. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager, John Salamone

Chairperson, Town Plan and Zoning Commission.

Town Planner
Councilor Myra Cohen
Councilor David Nagel

Peter Borman, Esquire, Town Attorney
Chris Greenlaw, Town Engineer
Lucy Robbins Wells Library (2)